

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

Defendants.

Case No. 4:24-cv-01473

Hon. Sarah E. Pitlyk

EXHIBIT C

Declaration of John Buchko

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DECLARATION OF JOHN BUCHKO

I, John Buchko, declare the following under 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. I am the Director of Operational Management in the Civil Rights Division of the Department of Justice. This is a Senior Executive Service position within the Office of the Assistant Attorney General for Civil Rights. I am responsible for most of the Division's operations functions, including budget, procurement, travel, human resources, litigation support, information technology, security, facilities, training, records, and oversight.
2. I am familiar with the Complaint and Motion for Temporary Restraining Order filed by the State of Missouri in the above-captioned case today. I write to explain the basis of the Civil Rights Division's planned monitoring in St. Louis, Missouri, during tomorrow's elections.
3. On Friday, November 1, 2024, the Department of Justice issued a press release that listed 86 jurisdictions in which the Department intends to monitor federal elections for compliance with federal civil rights laws, including the Americans with Disabilities Act. For the State of Missouri, only the jurisdiction of the City of St. Louis is on the list.

4. The Disability Rights Section of the Civil Rights Division will be monitoring tomorrow's election in St. Louis pursuant to a settlement agreement with the St. Louis Board of Election Commissioners (Board) under Title II of the ADA, entered into on January 12, 2021, and extended on October 3, 2023. The agreement expires on July 11, 2025. A copy of the Settlement Agreement is attached as Exhibit A, and a press release that was issued contemporaneously with the execution of the Settlement Agreement is on the Department of Justice's website.¹
5. As provided in the Settlement Agreement, the agreement was entered into due to substantiated complaints alleging that in some instances (a) the Board's polling places contain architectural barriers that render the facilities inaccessible to voters with disabilities; (b) the Board fails to provide accessible curbside voting; (c) the Board fails to provide voters with disabilities the same amount of privacy and independence while voting as voters without disabilities; (d) the Board's designated accessible voting machines lack adequate maneuvering space and reach ranges for voters with disabilities; and (e) the Board failed to provide auxiliary aids and services, including headphones, to ensure that the accessibility features of the designated accessible voting machines were functioning on Election Day. *See* Agreement, ¶ 4. Section II of the Settlement Agreement sets forth the obligations of the Board. *See id.* ¶¶ 16-44.
6. Paragraph 46 of the Settlement Agreement further provides that the "Board will cooperate fully with the United States' efforts to monitor compliance with this Agreement, including but not limited to providing the United States with timely access to polling places (including on Election Day)..."

¹ *See* Justice Department Reaches Agreement with the Board of Election Commissioners for the City of St. Louis to Ensure Polling Place Accessibility for Voters with Disabilities *available at* <https://www.justice.gov/opa/pr/justice-department-reaches-agreement-board-election-commissioners-city-st-louis-ensure>.

7. Pursuant to this Settlement Agreement, the Disability Rights Section has conducted election-day polling place accessibility inspections on multiple occasions, including during the elections on or about March 7, 2023 and April 2, 2024.
8. In October 2024, the Disability Rights Section advised the Board that it would be monitoring the November 2024 federal elections pursuant to the Settlement Agreement. The Board has cooperated and coordinated with attorneys in the Disability Rights Section on the planned monitoring of elections. An attorney and an investigator from the Disability Rights Section of the Civil Rights Division from Washington, DC, have arrived in St. Louis to conduct the inspection.
9. For the polling places in St. Louis, the Department of Justice will not be monitoring compliance with any other statutes identified in the November 1 Press Release, except with respect to the Americans with the Disabilities Act and only pursuant to the above-discussed Settlement Agreement for tomorrow's elections.

Executed on November 4, 2024

JOHN BUCHKO Digitally signed by JOHN
BUCHKO
Date: 2024.11.04 15:40:43 -05'00'
